

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Carlos O. PINZON et al.)	Group Art Unit: 1619
)	
Application No.: 09/733,900)	Examiner: Jyothsna VENKAT
)	
Filed: December 12, 2000)	Confirmation No.: 5474
)	
For: COSMETIC COMPOSITIONS)	
CONTAINING HETEROPOLYMERS)	<u>VIA EFS-WEB</u>
AND OIL-SOLUBLE CATIONIC)	
SURFACTANTS AND METHODS)	
OF USING SAME)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal, S.A., duly organized under the laws of France and having its principal place of business at 14 Rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 09/733,900, filed December 12, 2000 for COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME, in the names of Carlos O. Pinzon and Paul Thau, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 011639, Frame 0897, on March 23, 2001.

Assignee further represents that it is and at all times has been the assignee of the entire right, title, and interest in and to the following U.S. patents:

U.S. Patent No. 6,716,420, filed October 5, 2001, in the names of Sue Feng and Mohamed G. Kanji, for METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE HETEROPOLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001.

U.S. Patent No. 6,835,399, filed December 11, 2001, in the name of Nathalie Collin, for COSMETIC COMPOSITION COMPRISING A POLYMER BLEND, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013142, Frame 0645, on August 1, 2002.

U.S. Patent No. 6,869,594, filed January 24, 2001 as PCT/FR01/00229, in the name of Véronique Ferrari, for TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012476, Frame 0507, on January 17, 2002.

U.S. Patent No. 6,881,400, filed December 11, 2001, in the name of Nathalie Collin, for USE OF AT LEAST ONE POLYAMIDE POLYMER IN A MASCARA COMPOSITION FOR INCREASING THE ADHESION OF AND/OR EXPRESSLY LOADING MAKE-UP DEPOSITED ON EYELASHES, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012847, Frame 0285, on April 30, 2002.

U.S. Patent No. 6,979,469, filed December 12, 2001 as PCT/IB01/02833, in the names of Véronique Ferrari, Richard Kolodziej, Carlos O. Pinzon, and Paul Thau, for USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE INERT FILLER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 014055, Frame 0428, on March 24, 2003.

U.S. Patent No. 7,008,619, filed April 15, 2003, in the names of Mohamed Kanji, for METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM THE ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001, in the parent case, U.S. Application No. 09/971,028, which was filed on October 5, 2001, and which issued as U.S. Patent No. 6,716,420 on April 6, 2004.

U.S. Patent No. 7,025,953, filed January 16, 2002, in the names of Xavier Blin, Véronique Ferrari, and Frédéric Auguste, for NAIL POLISH COMPOSITION COMPRISING A POLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013109, Frame 0731, on July 18, 2002.

U.S. Patent No. 7,314,612, filed December 12, 2001 as PCT/IB01/02840, in the names of Véronique Ferrari, Carlos O. Pinzon, and Paul Thau, for COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME, as indicated by the

assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013607, Frame 0258, on December 20, 2002.

U.S. Patent No. 7,351,418, filed November 22, 2004, in the name of Nathalie Collin, for COSMETIC COMPOSITION COMPRISING A POLYMER BLEND, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013142, Frame 0645, on August 1, 2002, in the parent case, U.S. Application No. 10/012,029, which was filed on December 11, 2001, and which issued as U.S. Patent No. 6,385,399 on December 28, 2004.

U.S. Patent No. 7,410,636 B2, filed December 11, 2001, in the name of Nathalie Collin, for COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBERS, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 020413, Frame 0356, on January 24, 2008.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,716,420, 6,835,399, 6,869,594, 6,881,400, 6,979,469, 7,008,619, 7,025,953, 7,314,612, 7,351,418, and 7,410,636, which are listed above. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 6,716,420, 6,835,399, 6,869,594, 6,881,400, 6,979,469, 7,008,619, 7,025,953, 7,314,612, 7,351,418, and 7,410,636, as presently shortened by any terminal disclaimer, in the event that any of these patents later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.


If the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 5, 2009

By: 
Lori-Ann Johnson
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